

Attorney Docket No. SIM-10002/16

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anthony J. Cesaroni

Serial No.: 09/101,844

Group Art Unit: 3641

Filed: October 5, 1998

Examiner: A. Baker

For: LEAD-FREE BULLET

RESPONSE

Box Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed July 3, 2000, the deadline for response thereto being extended to September 3, 2000, Applicant submits the following response.

I. Response to Restriction Requirement

In response to the restriction requirement set forth in the Office Action of July 3, 2000, Applicant hereby elects the claims of group I, namely claims 38-58, for prosecution on the merits. Applicant hereby cancels the claims of group II, namely claims 59-74, without prejudice to the filing of one or more continuation applications directed thereto.

II. Response to Genus/Species Election Requirement

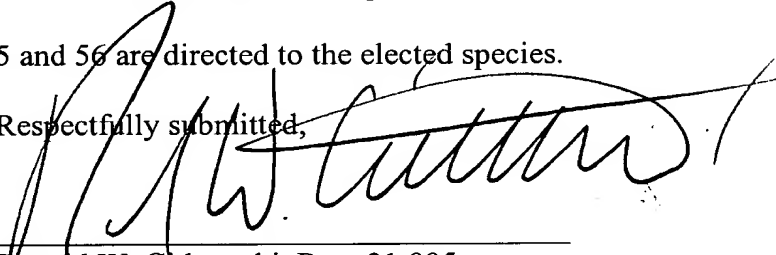
In the Office Action mailed July 3, 2000, the Examiner has required Applicant to elect a single species of the lead-free bullet of the present invention for prosecution on the merits, and in paragraphs 5-11 the Examiner has set forth various parameters of the claimed bullets. Applicant objects to this requirement as being unduly restrictive and improper, given the fact that the present invention is directed to a lead-free bullet which is capable of retaining markings from a firearm barrel and which is generically described and claimed. The composition and function of the bullet is independent of many of the structural parameters defining the various species (i.e., shape, jacket conformation, cladding materials and the like).

Accordingly, Applicant respectfully requests that the Examiner reconsider this election requirement.

Should the election requirement remain as stated, Applicant hereby elects the following species for prosecution on the merits (for the convenience of the Examiner, Applicant includes reference to the appropriate paragraphs and subparagraphs of the Office Action in describing the elected species). The elected species comprises a bullet having a tapered section configured as a truncated parabellum (5.b); a parabolic tip (6.c); a jacket which curls inwards toward the tip (7.h); a flat opposed end (8.i); a polymeric core comprised of ethylene/methacrylic acid copolymer ionomers (9.k); a copper filler (10.n); and a copper jacket (11.s).

Claims 38-41, 53 and 58 are generic to all embodiments of the present invention. In addition, claims 42, 43, 46, 47, 48, 51, 54, 55 and 56 are directed to the elected species.

Respectfully submitted,




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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231, on August 16, 2000.



Janice Burkhardt